

Appl. No. 10/748,501  
Amdt. Dated 12/06/2004  
Reply to Office action of 09/15/2004

### **REMARKS/ARGUMENTS**

#### **Claims**

Claims 1-9 are pending in the application and stand rejected on prior art grounds. Applicant has amended claims 1-8 in order to overcome the rejections; and canceled claim 9. Applicant has submitted new claims 10-17. Please enter amended claims 1-8, and new claims 10-17.

#### **35 USC § 102 Rejections**

##### **Claims 1-9**

The Examiner has rejected claims 1-9 under 35 U.S.C. 102(e) as being anticipated by Schinella (6644697).

Regarding claim 1, the applicant has amended independent claim 1 to more particularly point out and distinctly claim the invention and distinguish it from Schinella. Upon examination of the details discussed below it will become evident that the invention of claim 1 is novel over, and not anticipated by Schinella. Currently amended independent claim 1 reads:

Claim 1. (currently amended)      An item list apparatus for use by a user comprising:  
a sheet having a top edge and a bottom edge, and a front surface and a back surface;  
said front surface providing space for creating a list of items;  
attaching means for attaching said top edge to said bottom edge; and  
said sheet folded in the form of a loop by said user once the list of items is created and the user is ready to use said list of items by attaching said top edge to said bottom edge using said attaching means;  
wherein said loop has an outer side and an inner side; and  
wherein said front surface having said list of items forms the outer side of said loop.

It is submitted that Schinella neither discloses nor anticipates the invention of claim 1 as claimed herein for the following reasons. As disclosed, independent claim 1

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Page 7 of 10

Appl. No. 10/748,501  
Amdt. Dated 12/06/2004  
Reply to Office action of 09/15/2004

has been amended to recite "said sheet folded in the form of a loop by said user once the list of items is created and the user is ready to use said list of items by attaching said top edge to said bottom edge" (for support see specification Figures 4 and 5). Thus, claim 1 discloses the item list in the form of a loop for hands-free operation by the user. In contrast, Schinella discloses an integrated shopping list and coupon folder, formed from a single shopping list sheet, wherein the completed shopping list sheet is folded along a central fold line, such that the bottom tacky strip seals against itself and the side tacky strips seal against each other forming an integrated shopping list and coupon folder (see Abstract). Schinella does not disclose or suggest the item list in the form of a loop for hands-free operation by the user. Consequently, the applicant respectfully submits that the item list of claim 1 in the form of a loop is novel and superior over, and neither anticipated by nor obvious from, the disclosure of Schinella. In view of the above remarks, the amended independent claim 1 is certainly novel and patentable over and neither anticipated nor suggested by Schinella and the anticipation rejection of claim 1 under 35 U.S.C. 102(e) should be withdrawn.

Regarding claims 2-8, each of claims 2-8 depends, directly or through an intervening claim, from independent claim 1. Each of claims 2-8 has been amended in view of amendment to claim 1. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 1 under U.S.C. 102(e), the applicant respectfully submits that the Examiner's grounds for rejection of claims 2-8 under U.S.C. 102(e) are moot, and requests that the anticipation rejection of claims 2-8 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 9, the applicant has canceled claim 9.

#### Claims 1-9

The Examiner has rejected claims 1-9 under 35 U.S.C. 102(e) as being anticipated by Rzadzki (2002/0135178).

Regarding claim 1, as discussed above, the applicant has amended independent claim 1 to more particularly point out and distinctly claim the invention and distinguish it

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Page 8 of 10

Appl. No. 10/748,501  
Amdt. Dated 12/06/2004  
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from Rzadzki. Upon examination of the details discussed below it will become evident that the invention of claim 1 is novel over, and not anticipated by Rzadzki.

It is submitted that Rzadzki neither discloses nor anticipates the invention of claim 1 as claimed herein for the following reasons. As disclosed, independent claim 1 has been amended to recite "said sheet folded in the form of a loop by said user once the list of items is created and the user is ready to use said list of items by attaching said top edge to said bottom edge" (for support see specification Figures 4 and 5). Thus, claim 1 discloses the item list in the form of a loop for hands-free operation by the user. In contrast, Rzadzki discloses a multiple pocket shopping list having dual-pages, wherein a second sheet is joined along three sides to the top sheet and forming a pocket capable of receiving coupons (see Abstract). Rzadzki does not disclose or suggest the item list in the form of a loop for hands-free operation by the user. Consequently, the applicant respectfully submits that the item list of claim 1 in the form of a loop is novel and superior over, and neither anticipated by nor obvious from, the disclosure of Rzadzki. In view of the above remarks, the amended independent claim 1 is certainly novel and patentable over and neither anticipated nor suggested by Rzadzki and the anticipation rejection of claim 1 under 35 U.S.C. 102(e) should be withdrawn.

Regarding claims 2-8, each of claims 2-8 depends, directly or through an intervening claim, from independent claim 1. Each of claims 2-8 has been amended in view of amendment to claim 1. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 1 under U.S.C. 102(e), the applicant respectfully submits that the Examiner's grounds for rejection of claims 2-8 under U.S.C. 102(e) are moot, and requests that the anticipation rejection of claims 2-8 under U.S.C. 102(e) should also be withdrawn.

#### New Claims

The applicant has submitted new claims 10-17.

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Page 9 of 10

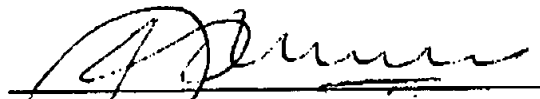
Appl. No. 10/748,501  
Amdt. Dated 12/06/2004  
Reply to Office action of 09/15/2004

Favorable consideration of the amendment and allowance of all claims is requested.

Respectfully submitted.


Date: 12/06/04

By:

  
Jiten C. Shah,  
Applicant

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR § 1.8**

The undersigned hereby certifies that the foregoing Amendment is being transmitted by facsimile to number (703) 872-9306 addressed to: Commissioner for Patents; Attn. Examiner Nasser Ahmad, on this 6<sup>th</sup> day of December, 2004.

  
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12/06/04

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Page 10 of 10